

Arizona Sexual Assault Report

STATISTICS
2022

Arizona Criminal Justice Commission

ARIZONA CRIMINAL JUSTICE COMMISSION



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Executive Summary

A.R.S. §41-2406(B) requires the Arizona Criminal Justice Commission (ACJC) to report annually on sexual assault in Arizona using criminal history data provided by the Arizona Department of Public Safety. Arizona criminal justice agencies are required by statute to submit arrest and case disposition information for all felony and select misdemeanor charges to the Arizona Computerized Criminal History (ACCH) repository. The ACJC compiles sexual assault data from the ACCH into a report that is submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State.

This report summarizes all police reports, charges filed, convictions, and sentences for A.R.S. §13-1406 sexual assault arrests that occurred between calendar years (CY) 2016 and 2020 and were available in the ACCH as of July 2022. To ensure that all sexual assault-related arrests were captured, A.R.S. §13-1423 charges for violent sexual assault were also included in the analysis.² The following summarizes key findings from the report:

Arrests, Charges, and Offenders

- There were 1,586 sexual assault-related arrests between CY2016 and CY2020. All but five arrests included at least one sexual assault arrest charge (<u>Table 1</u>).
- Prosecutors filed charges in 1,041 arrests over the five-year period, including 755 in which charges were filed for sexual assault (<u>Table 1</u> & <u>Table 3</u>).

Outcomes

- 865 arrests led to convictions. Specifically, 351 arrests resulted in at least one conviction for sexual assault, while 514 arrests had convictions for other offenses only (Table 1).
- One-fifth of all sexual assault records were pending disposition information for all arrest charges (<u>Table 3</u>).
- 67% of cases with at least one sexual assault conviction led to a prison sentence compared to 37.5% of cases with other offense convictions only (<u>Table 4</u>).

Domestic Violence

- 358 records had at least one sexual assault arrest charge flagged for domestic violence (Table 5).
- 83 arrests resulted in a sexual assault conviction, 73.5% of which resulted in a prison sentence (<u>Table 5</u>).
- 40 domestic violence-related sexual assault records had no disposition information available for any arrest charges (<u>Table 5</u>).

Misdemeanor charges for sexual, driving under the influence, and domestic violence-related offenses must be reported to the ACCH.

² For the purpose of this report, a "sexual assault-related arrest" refers to an arrest with at least one sexual assault charge at either arrest or disposition.

Introduction

A.R.S. §41-2406(B) requires the Arizona Criminal Justice Commission (ACJC) to report annually on sexual assault in Arizona using criminal history data provided by the Arizona Department of Public Safety (DPS). Arizona criminal justice agencies are required by A.R.S. §41-1750(A)(1) to submit arrest and case disposition information for all felony and select misdemeanor charges to the Arizona Computerized Criminal History (ACCH) repository. A.R.S. §41-2406(A) requires the DPS to provide an electronic extract of all ACCH records relating to sexual assault to the ACJC on a biannual basis. The ACJC compiles this information into a report that is submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State. Per A.R.S. §41-2406(B), the ACJC is required to report:

- The number of police reports that are filed;
- The number of charges that are filed and what charges;
- The number of convictions obtained; and
- The sentences imposed for each conviction.

This report summarizes ACCH arrest and disposition data for all sexual assault-related arrests that occurred between calendar years (CY) 2016 and 2020.² To ensure that all sexual assault-related arrests were captured, charges for sexual assault (A.R.S. § 13-1406) and violent sexual assault (A.R.S. § 13-1423) were combined into a single sexual assault offense category. The data used for this report were extracted from the ACCH in July 2022, giving all arrest charges included in the analysis a case processing time of at least 18 months from the arrest date to reach disposition and sentencing.

Report Terminology and Limitations

In this report, a "record" refers to one arrest incident and the associated charges, where "charge" refers to the specific offense defined in Arizona's criminal code. Results are primarily reported by record. The term "sexual assault record" is used to refer to an arrest with at least one sexual assault offense charge at either arrest or disposition.³ A sexual assault record may include additional non-sexual assault offense charges if an individual was charged with multiple offenses during one arrest.

To simplify analysis and provide a snapshot of sexual assault charge outcomes, records were classified based on whether sexual assault charges were filed, not filed/not referred for prosecution, or pending disposition. Readers should therefore be aware that the results presented in this report are a summary of an entire case based on the outcome of one sexual assault charge

¹ Misdemeanor charges for sexual, driving under the influence, and domestic violence-related offenses must be reported to the ACCH.

² For the purpose of this report, a "sexual assault-related arrest" refers to an arrest with at least one sexual assault charge at either arrest or disposition.

³ The ACCH distinguishes between arrest and disposition offense charges. The arrest offense charge is entered by the arresting law enforcement agency and the disposition offense charge is entered by the prosecuting/court agency. The arrest and disposition charge may differ if the prosecutor amended the arrest charge.

in that record. For example, if one arrest record contains two sexual assault charges and one burglary charge, charges were filed for the first sexual assault charge, no action has been taken on the second sexual assault charge, and burglary charges were not filed, the record would be classified as having sexual assault charges filed, regardless of the outcome of the other two charges. Similarly, if one arrest record contains one sexual assault charge and one burglary charge, charges were not filed for sexual assault but were filed for burglary, the record would be reported as having no sexual assault charges filed, and outcome information (i.e., conviction, acquittal, sentencing, etc.) would be provided for the burglary charge. As such, the following results do not necessarily reflect the outcomes of all charges associated with a record, nor should the results be interpreted to mean that all charges associated with one record have been dispositioned.

Limitations in the timeliness and completeness of records in the ACCH repository should be considered when interpreting the results in this report. Arrest charges are only entered into the ACCH when fingerprints are taken properly and cited or summoned defendants are booked prior to sentencing. Additionally, a criminal history record in the ACCH may not be properly closed if a final disposition form was not submitted to DPS in a timely manner or if the reporting form was rejected by DPS due to entry errors. Finally, charges disposed after the data were extracted in July 2022 will show as "Pending" in this analysis.

Arrests, Charges, and Offenders

Between CY2016 and CY2020, 1,581 arrests included at least one sexual assault charge for a total of 3,619 sexual assault arrest charges (see <u>Table 1</u>). An additional six arrests had at least one charge that was later amended by the prosecutor to a sexual assault charge.

Table 1 Sexual Assault Records Overview, CY2016-2020

	2016	2017	2018	2019	2020	Total
Sexual Assault Records	321	341	346	289	289	1,586
Records with at least one sexual assault arrest charge	320	340	345	288	288	1,581
Records with other offense arrests only	1	1	1	1	1	5
Total Sexual Assault Arrest Charges	689	857	835	615	623	3,619
Records Leading to Charges Filed	234	241	219	179	168	1,041
Records Leading to Convictions	191	211	182	149	132	865
Records with at least one conviction for sexual assault	84	90	73	50	54	351
Records with at least one conviction for other offense only	107	121	109	99	78	514
Records Pending All Disposition Information						
Number	46	57	65	71	69	308
Percent of total sexual assault records	14.3%	16.7%	18.8%	24.6%	23.9%	19.4%

Most arrestees were male (99%), white (73.5%), and between the ages of 19 and 35 (55.3%); see Table 2.

Record Outcomes

Disposition information for at least one arrest charge needed to be available in the ACCH to determine outcome information for a sexual assault record. Nearly one-third of the arrest records analyzed for this report did not have disposition information available for any sexual assault charges (501 records; see Table 3). More than 38% of these records (193 records) had disposition information for at least one non-sexual assault charge, leaving 308 records without disposition information for any charge. The number of cases pending all disposition information is likely higher toward the end of the five-year period because more recent cases have had less time between arrest and the date the data were extracted to reach disposition. For example, Table 1 shows that nearly 24% of sexual assault records from CY2020 were pending all disposition information compared to fewer than 17% of CY2016 and CY2017 records.

Table 2: Sexual Assault Arrestee Demographics

Sex	n	%
Female	15	0.9%
Male	1,570	99.0%
Total	1,585	99.9%
Age		
18 & Under	134	8.4%
19-25	402	25.3%
26-35	476	30.0%
36-45	296	18.7%
46-55	176	11.1%
56-65	84	5.3%
66-75	13	0.8%
76 & Over	4	0.3%
Total	1,585	99.9%
Race		
White	1,166	73.5%
Black	288	18.2%
American Indian/Eskimo	103	6.5%
Asian	22	1.4%
Undetermined	6	0.4%
Total	1,585	99.9%

^{*} All demographic information is missing for one arrest.

Charges Filed

Charges were filed in 1,041 (about 65%) sexual assault arrest records between CY2016 and CY2020. Specifically, sexual assault charges were filed in nearly half of all cases (755 records), while 18% of cases had charges filed for other offenses only (285 records).⁴ No charges were filed or referred for prosecution in 15% of cases (238 records).⁵ The remaining 20% of cases did not have disposition information available for any charge. See Appendix A for a list of other charge filings by statute.

Convictions

More than half of sexual assault-related arrests resulted in a conviction. Specifically, of the 1,041 records that led to charges filed, one-third of the records (351 records) had at least one conviction for sexual assault, while nearly half of the records (514 records) had at least one conviction for a non-sexual assault offense only.⁶ The remaining 174 records (16.7%) resulted in at least one

⁴ Sexual assault charges were either not filed or pending disposition in cases with charges filed for other offenses only.

Includes cases in which sexual assault charges were not filed/referred and there were no other charges; sexual assault charges were not filed/referred and non-sexual assault charges were not filed/referred; sexual assault charges were not filed/referred and other charges were pending disposition; or sexual assault charges were pending disposition and other charges were not filed/referred.

⁶ Records with a sexual assault conviction may also have convictions for other offenses.

acquittal or dismissal for either sexual assault or another offense. <u>Table 3</u> provides outcome information for all sexual assault records.

Table 3: Arrest Records Overview, CY2016-2020

Arrest Records	2016	2017	2018	2019	2020	Total
Records with sexual assault charges filed or amended	175	168	169	129	114	755
Records with sexual assault charges not filed/referred for prosecution	55	80	81	57	57	330
Records pending all sexual assault charge disposition information	91	93	96	103	118	501
Total Records	321	341	346	289	289	1,586
Records with sexual assault charges filed or amended	2016	2017	2018	2019	2020	Total
Conviction (sexual assault)	84	90	73	50	54	351
Conviction (other offense only)	54	56	64	57	35	266
Acquittal (sexual assault or other offense only)	7	4	6	2	2	21
Case Dismissed (sexual assault or other offense only)	30	18	26 [*]	20	23	117
Records with sexual assault charges not filed/referred for prosecution	2016	2017	2018	2019	2020	Total
Conviction	17	36	24	17	17	111
Acquittal	0	1	0	0	0	1
Case Dismissed	1	3	2	3	3	12
No other charges filed/referred for prosecution**	37	40	55	37	37	206
Records pending all sexual assault charge disposition information	2016	2017	2018	2019	2020	Total
Conviction (other offense only)	36	29	21	25	26	137
Acquittal	1	0	0	1	0	2
Case Dismissed	4	4	3	4	7	22
Other charges not filed/referred for prosecution	4	3	7	2	16	32
Pending all disposition information	46	57	65	71	69	308

^{*} One conviction was reversed and remanded.

^{**} This includes cases in which sexual assault charges were not filed/referred and there were no other charges; sexual assault charges were not filed/referred and non-sexual assault charges were not filed; or sexual assault charges were not filed/referred and other charges were pending disposition.

Sentencing

Most arrestees (67%) with at least one sexual assault conviction were sentenced to prison compared to 37.5% of arrestees with a conviction for a non-sexual assault offense only (see <u>Table 4</u>). Conversely, fewer than 10% of individuals with a sexual assault conviction and about 20% of those with a non-sexual assault conviction received a jail sentence. The remaining arrestees received sentences other than incarceration. 8

Table 4: Highest Level of Sentencing by Record Type, CY2016-2020

	All Sexual Ass	ault (SA) Records		Domestic Violence- al Assault Arrest
	At Least One SA Conviction	Conviction for Other Offense(s) Only	At Least One SA Conviction	Conviction for Other Offense(s) Only
Prison	235 (67.0%)	193 (37.5%)	61 (73.5%)	49 (35.5%)
Jail	30 (8.5%)	102 (19.8%)	6 (7.2%)	28 (20.3%)
Other/Unknown	86 (24.5%)	219 (42.6%)	16 (19.3%)	61 (44.2%)
Total	351	514	83	138

Arrestees may have received more than one type of sentencing. Results reflect the highest level of sentencing imposed.

⁸ Includes probation, community service, restitution, fines, suspended sentences, and other sentences not otherwise specified in the ACCH.

Sexual Assault-Related Arrests Involving Domestic Violence

Domestic violence is not an official statutory offense in Arizona; rather, an offender is charged with an eligible domestic violence offense (e.g., sexual assault, aggravated assault, etc.) and the arrest charge is flagged for domestic violence in the ACCH repository. For this report, an arrest was defined as a domestic violence-related sexual assault arrest if at least one arrest offense for sexual assault (A.R.S. § 13-1406) or violent sexual assault (A.R.S. § 13-1423) was flagged for domestic violence. It should be noted that Arizona, like many other states, includes various types of relationships in its definition of domestic violence, including marital, dating, familial, and cohabitant relationships.

Table 5: Sexual Assault-Related Arrests Involving Domestic Violence, CY2016-2020

Arrest Records	Total
Records with sexual assault charges filed or amended	205
Records with sexual assault charges not filed (NF)/referred (NR) for prosecution	82
Records pending all sexual assault charge disposition information	71
Total Records	358
Records with sexual assault charges filed or amended	Total
Conviction (sexual assault)	83
Conviction (other offense only)	94
Acquittal (sexual assault or other offense only)	3
Case Dismissed (sexual assault or other offense only)	25
Records with sexual assault charges not filed/referred for prosecution	Tota
Conviction	25
Acquittal	0
Case Dismissed	5
No other charges filed/referred for prosecution*	52
Records pending all sexual assault charge disposition information	Tota
Conviction (other offense only)	19
Acquittal	1
Case Dismissed	4
Other charges not filed/referred for prosecution	7

^{*} Includes cases in which sexual assault charges were not filed/referred and there were no other charges; sexual assault charges were not filed/referred and non-sexual assault charges were not filed; or sexual assault charges were not filed/referred and other charges were pending disposition.

Arrests and Charges Filed

Between CY2016 and CY2020, there were 358 arrests with one or more sexual assault arrest charges flagged for domestic violence (see <u>Table 5</u>). Of these, 205 arrests led to sexual assault charges filed by the prosecutor. As of July 2022, 71 domestic violence-related sexual assault arrests were pending disposition information for any sexual assault charge.

Convictions

Of the 205 domestic violence-related arrests in which sexual assault charges were filed or amended, 83 resulted in a conviction for sexual assault and 94 resulted in a conviction for other offenses only. Among records where sexual assault charges were either not filed or were pending disposition, 44 records had at least one conviction for a non-sexual assault offense, 69 records resulted in either an acquittal, dismissal, or no charges filed, and 40 were pending disposition information for all charges.

Sentencing

Similar to the results for all sexual assault records, most domestic violence-related sexual assault records with a sexual assault conviction resulted in a prison sentence (73.5%; see <u>Table 4</u>). More than one-third of arrestees with convictions for other offenses only were sentenced to prison (35.5%), about one-fifth of arrestees were sentenced to jail (20.3%), and the remaining (44.2%) received another form of sentencing.

Conclusion

This report presented a summary of sexual assault-related arrests in the ACCH as of July 2022. From CY 2016 through CY 2020, 1,586 arrests included at least one sexual-assault related charge at the time of arrest or filed by prosecutors. Disposition information was missing for all charges in 308 records. A conviction was present for 865 records, with 351 of those arrests resulting in at least one conviction for a sexual assault charge. Domestic violence flags were included in 358 arrest records. Prison was the most common sentence for convictions with at least one sexual assault-related charge overall (67.0%) and for cases flagged for domestic violence (73.5%).

⁹ Non-sexual assault offenses for which convictions were obtained may not have been flagged for domestic violence.

Appendix A: Other Filing in the ACCH, CY2016-2020

A.R.S.	Statute Description	Total
§13-1102	Negligent homicide	1
§13-1104	Second Degree Murder	12
§13-1105	First Degree Murder	14
§13-1201	Endangerment	33
§13-1202	Threatening or Intimidating	96
§13-1203	Assault	379
§13-1204	Aggravated Assault	853
§13-1205	Unlawfully Administering Intoxicating Liquors, Narcotic Drug or Dangerous Drug	6
§13-1302	Custodial Interference	11
§13-1303	Unlawful Imprisonment	71
§13-1304	Kidnapping	707
§13-1307	Sex Trafficking	22
§13-1308	Trafficking of Persons for Forced Labor or Services	1
§13-1402	Indecent Exposure	60
§13-1403	Public Sexual Indecency	44
§13-1404	Sexual Abuse	685
§13-1405	Sexual Conduct with a Minor	860
§13-1406	Sexual Assault	2,391
§13-1408	Adultery	1
§13-1410	Molestation of a Child	303
§13-1412	Unlawful sexual conduct	4
§13-1417	Continuous Sexual Abuse of a Child	29
§13-1419	Unlawful Sexual Conduct; Correctional Facilities	16
§13-1423	Violent Sexual Assault	12
§13-1424	Voyeurism	131
§13-1425	Unlawful Disclosure of Images Depicting States of Nudity or Specific Sexual Activities	11
§13-1428	Sexual Extortion	4
§13-1502	Criminal trespass in the third degree	5
§13-1503	Criminal trespass in the Second Degree	1
§13-1504	Criminal Trespass in the First Degree	17
§13-1505	Possession of Burglary Tools	1
§13-1506	Burglary in the Third Degree	6
§13-1507	Burglary in the Second Degree	71
§13-1508	Burglary in the First Degree	26
§13-1602	Criminal Damage	57
§13-1604	Aggravated criminal damage	1
§13-1703	Arson of a Structure or Property	4
§13-1704	Arson of an Occupied Structure	5
§13-1802	Theft	24
§13-1803	Unlawful Use of Means of Transportation	8
§13-1804	Theft by Extortion	3
§13-1805	Shoplifting	6
§13-1814	Theft of Means of Transportation	16
§13-1902	Robbery	29
§13-1903	Aggravated Robbery	11
§13-1904	Armed Robbery	31
§13-2002	Forgery	21
§13-2307	Trafficking in Stolen Property	4
§13-2310	Fraudulent Schemes and Artifices	4
§13-2312	Illegal Control of/Conducting an Enterprise	2
§13-2316	Computer Tampering	3
§13-2317	Money Laundering	1

§13-2409	Obstructing Criminal Investigations or Prosecutions	3
§13-2503	Escape in the Second Degree	2
§13-2505	Promoting Prison Contraband	1
§13-2506	Failure to Appear in the Second Degree	44
§13-2507	Failure to Appear in the First Degree	2
§13-2508	Resisting Arrest	8
§13-2512	Hindering Prosecution in the First Degree	1
§13-2602	Bribery of a Public Servant or Party Officer	4
§13-2802	Influencing a witness	3
§13-2804	Tampering with a Witness	5
§13-2809	Tampering with Physical Evidence	9
§13-2810	Interfering with Judicial Proceedings	15
§13-2904	Disorderly Conduct	105
§13-2905	Loitering	1
§13-2907	False reporting; Emergency Response Costs	3
§13-2910	Cruelty to Animals	3
§13-2915	Preventing Use of Telephone in an Emergency	32
§13-2916	Unlawful use of electronic communication device	1
•		19
§13-2921 §13-2923	Harassment Stalking	19
	Stalking Abandanment or Canadalment of a Dood Rady	
§13-2926	Abandonment or Concealment of a Dead Body	3
§13-3019	Surreptitious Photographing, Videotaping, Filming, or Digitally Recording or Viewing	99
§13-3102	Misconduct Involving Weapons	38
§13-3107	Unlawful Discharge of Firearms	3
§13-3204	Receiving Earnings of Prostitute	10
§13-3206	Taking child for purpose of prostitution	2
§13-3209	Pandering	5
§13-3210	Transporting Persons for Purpose of Prostitution or Other Immoral Purpose	3
§13-3212	Child Sex Trafficking	32
§13-3402	Possession and sale of Peyote	1
§13-3403	Possession and Sale of a Vapor-Releasing Substance Containing a Toxic Substance	2
§13-3404	Sale of Precursor or Regulated Chemicals	4
§13-3405	Possession, Use, Production, Sale, or Transportation of Marijuana	27
§13-3406	Possession, Use, Administration, Acquisition, Sale, Manufacture, or Transportation of Prescription-Only Drugs	3
§13-3407	Possession, Use, Administration, Acquisition, Sale, Manufacture, or Transportation of Dangerous Drugs	45
§13-3408	Possession, Use, Administration, Acquisition, Sale, Manufacture, or Transportation of Narcotic Drugs	24
§13-3409	Involving or Using Minors in Drug Offenses	46
§13-3415	Possession, Manufacture, Delivery, and Advertisement of Drug Paraphernalia	58
§13-3506	Furnishing Harmful Items to Minors	30
§13-3552	Commercial Sexual Exploitation of a Minor	2
§13-3553	Sexual Exploitation of a Minor	55
§13-3554	Luring a Minor for Sexual Exploitation	25
§13-3560	Aggravated Luring a Minor for Sexual Exploitation	8
§13-3561	Unlawful Age Misrepresentation	1
§13-3601	Domestic Violence	25
§13-3602	Order of protection violation	1
§13-3608	Incest	8
§13-3613	Contributing to Delinquency and Dependency	27
§13-3613	Duty to Report Abuse, Physical Injury, Neglect and Denial or Deprivation of Medical or Surgical Care or Nourishment of Minors	1
§13-3623	Child or Vulnerable Adult Abuse	124
§13-3023 §13-3721	Tattoos, Brands, Scarifications and Piercings	2
§13-3721 §13-3821	Persons Required to Register	7
	· · · ·	1
§13-3885	Arrest of Principal by Surety	
§13-3904	Violation of Promise to Appear	2
§13-5002	Criminal Trespass on Military Reservations and Facilities	1

Total Filings	in the ACCH for Other Offenses	8,175
§4-244.9	Consumption/Possession of Alcohol by a Person Under 21; Furnishing Alcohol to an Underage Person	3
§4-244	Unlawful Acts	1
§32-1455	Violation or action that would lead public to believe person is licensed to practice medicine in the state	28
§28-693A	Reckless Driving	2
§28-665A	Striking fixtures on a highway	1
§28-663	Duty to Give Information and Assistance	2
§28-622	Unlawful Flight from Pursuing Law Enforcement Vehicle	9
§28-3473	Driving on a Suspended, Revoked, or Canceled License	4
§28-1595	Failure to Stop or Provide Driver License or Evidence of Identity	1
§28-1383	Aggravated Driving or Actual Physical Control While Under the Influence	3
§28-1382	Driving or Actual Physical Control While Under the Extreme Influence of Intoxicating Liquor	1
§28-1381	Driving or Actual Physical Control While Under the Influence	9



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